

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Aetna Life Insurance Company	§
	§
	§
Plaintiff	§
	§
	§
v.	§ No. 3:14-cv-00347-M
	§
	§
Methodist Hospitals of Dallas, et al.	§
	§
	§
Defendants	§
	§

**PLAINTIFF AETNA'S UNOPPOSED
MOTION AND BRIEF IN SUPPORT FOR
LEAVE TO FILE REPLY IN SUPPORT OF SUMMARY JUDGMENT**

1. Plaintiff Aetna Life Insurance Company requests leave to file the attached Reply in Support of Motion for Summary Judgment pursuant to the Local Rules for the Northern District of Texas (Attachment 1).

2. Counsel for Aetna conferred with counsel for Defendants concerning the relief requested in this Motion, and the Defendants advised that they are UNOPPOSED to the relief.

3. Aetna filed this lawsuit in the Southern District of Texas and moved for summary judgment to establish the inapplicability of the Texas Prompt Pay Statute to self-funded medical claims. Defendants filed the Response to Motion for Summary Judgment on January 13, 2014, and Aetna was preparing its Reply pursuant to the Local Rules for the Southern District.

4. On January 27, 2014, this case was transferred to the Northern District of Texas, for the convenience of the parties and witnesses, on Defendant's Motion for Transfer of Venue under 28 U.S.C. § 1404(a). *See Transferor DKT 29 (Memorandum Opinion and Order).* And between February 3, 2014, and February 12, 2014, undersigned counsel for Aetna was in final hearing before the American Arbitration Association in Chicago, Illinois.

5. Aetna's Notice of New Authority (DKT 34) explained that Aetna's Reply will aid the Court in resolving the issues raised in Aetna's Motion pursuant to new, correctly-decided authority from the Eleventh Circuit, issued February 14, 2014.

CONCLUSION AND PRAYER FOR RELIEF

This Motion for Leave to file Aetna's attached Reply in Support of Motion for Summary Judgment (Attachment 1) is UNOPPOSED by the Defendants.

Therefore, Aetna prays that the Court grant this Unopposed Motion for Leave to file the attached Reply in Support of Motion for Summary Judgment, and grant such other and further relief to which Aetna may be justly entitled.

OF COUNSEL:
Dimitri Zgourides
Texas Bar No. 00785309
Kendall M. Gray
Texas Bar No. 00790782
Mitchell A. Reid
Texas Bar No. 24037346
ANDREWS KURTH LLP
600 Travis, Suite 4200
Houston, Texas 77002
(713) 220-4200
(713) 220-4285 (Fax)
and
Mark A. Shoffner
State Bar No. 24037490
markshoffner@andrewskurth.com
ANDREWS KURTH LLP
1717 Main Street, Suite 3700
Dallas, Texas 75201
(214) 659-4400
(214) 659-4401 (Fax)

Respectfully submitted,

ANDREWS KURTH LLP

By: *s/ John B. Shely*
John B. Shely
Texas Bar No. 18215300
jshely@andrewskurth.com
600 Travis, Suite 4200
Houston, Texas 77002
(713) 220-4200
(713) 220-4285 (Fax)

ATTORNEY-IN-CHARGE FOR
PLAINTIFF AETNA LIFE
INSURANCE COMPANY

CERTIFICATE OF CONFERENCE

I hereby certify that on February 20, 2014, counsel for Aetna conferred with counsel for the Defendants, who advised that they were unopposed to this Motion.

John B. Shely
John B. Shely

CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2014, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who are known "Filing Users":

Mikal C. Watts
William J. Maiberger
Watts Guerra, LLP
4 Dominion Drive
Building 3, Suite 100
San Antonio, Texas 78257

Joe Don Ridgell
jdridgell@fotllp.com
James M. Orr
jorr@fotllp.com
Francis, Orr & Totusek, LLP
500 N. Akard, Suite 1830
Dallas, Texas 75201

John B. Shely
John B. Shely